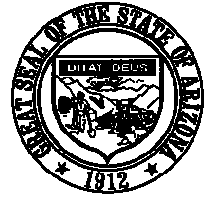




THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

2221 West Greenway Road, Phoenix, AZ 85023-4399
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Governor
Janet Napolitano
Commissioners
Chairman, W. Hays Gilstrap, Phoenix
Joe Melton, Yuma
Michael M. Golightly, Flagstaff
William H. McLean, Gold Canyon
Bob Hernbrode, Tucson
Director
Duane L. Shroufe
Deputy Director
Steve K. Ferrell



September 1, 2005

A public meeting of the Arizona Game and Fish Commission will be held on September 23 - 24, 2005, and as authorized by A.R.S. § 17-201(D), the Commission will discuss and may vote to take action on the following matters:

Friday, September 23, 2005, Arizona Game and Fish Commission at the Arizona Game and Fish Pinetop Office, 2878 E. White Mountain Blvd., Pinetop, AZ 85935.

Meeting begins at 7:00 a.m.

1. Executive Session

- a. Legal Counsel.** The Commission may vote to meet in Executive Session in accordance with A.R.S. §§ 38-431.03 (A)(3) and (4) for the purpose of discussing and consulting with legal counsel in order to consider its position and to instruct legal counsel regarding the Commission's position on *Montoya v. Manning*, CIV98-0239 PHX RCB; *Re General Stream Adjudication for the Little Colorado River and Gila River; Bar D Cattle Co. v. Shroufe*, CIV2002-0872; *Phelps Dodge Corp. v. Arizona Dept. of Water Resources*, LC2003-000243-001DT; *Arizona Zoological Society, et. al. v. BLM, IBLA appeal no. 2002-412*; *Audubon Society of Portland v. USFWS*, CV04-670-KI; and *State of Arizona v. George H. Johnson*, CV2005-002692.
- b. Legal Counsel Regarding Open Meeting Law.** The Commission may vote to meet in Executive Session in accordance with A.R.S. §§ 38-431.03(A)(3) and (4) for the purpose of discussing and consulting with legal counsel regarding the Commission's use of email for internal and external communications.
- c. Legal Counsel Regarding Competition with Private Enterprise.** The Commission may vote to meet in Executive Session in accordance with A.R.S. §§ 38-431.03(A)(3) and (4) for the purpose of discussing and consulting with legal counsel regarding whether the operation of the Ben Avery Shooting Facility is considered competition with private enterprise.
- d. Review of RFP Responses for Construction of a New Department Headquarters Complex at the Ben Avery Shooting Facility.** The Commission may vote to meet in executive session as provided under A.R.S. § 38-431.03(A)(2) to discuss or consider RFP responses for construction of a new Department headquarters complex at the Ben Avery

Shooting facility. These documents are made confidential by A.R.S. § 41-2534 and are exempt from public inspection.

- e. **Personnel Matters.** The Commission may vote to go into Executive Session to discuss personnel matters, including the Director's goals and objectives pursuant to A.R.S. § 38-431.01 (A) (1). The Commission may decide this matter in the public meeting or defer a decision to a later date.

Public Session begins immediately following the Executive Session, but no later than 8:00 a.m.

Awards and Commissioning of Officers

- 2. **Presenter: Bob Broscheid, Habitat Branch Chief. An Update on Current Issues, Planning Efforts, and Proposed Projects on State and Federal Lands in Arizona and Other Matters Related Thereto.** The Commission will be briefed on the latest developments relating to the implementation of land and resource management plans and projects on state and federal lands in Arizona and other matters related hereto. The update addresses decisions or activities since the August 2005 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 3. **Presenter: Bob Broscheid, Habitat Branch Chief. A Presentation of the Arizona State Trust Land Reform Ballot Initiative.** The Commission will be briefed on the Arizona State Trust Land Reform Ballot Initiative. The Commission may vote to take action on, or provide the Department direction on this item.
- 4. **Consent Agenda – The following items have been grouped together and are hereby noticed as consent agenda items to expedite action on routine matters, which may not require public discussion. The Commission will be asked to vote to approve these matters as presented, subject to approval or recommendations of the Office of the Attorney General. Commission members may remove certain items if further public input or discussion is deemed necessary.**
 - a. **Presenter: Bob Broscheid, Habitat Branch Chief. Request for Commission Approval for Renewal of the Ten-Year Right-of-Way (No. 018-054116) for Continued Access into John Long Canyon in the Coronado National Forest, Cochise County, and to Pursue Acquisition of a Right-of-Way in Perpetuity from the Arizona State Land Department.** The Commission will be asked to vote to approve renewal of the ten-year right-of-way (No. 018-054116) for continued access into John Long Canyon in the Coronado National Forest, Cochise County and to pursue acquisition of a right-of-way in perpetuity from the Arizona State Land Department.
 - b. **Presenter: Bob Broscheid, Habitat Branch Chief. Request for the Commission to Approve a Renewal of an Agreement for Permit with Mohave Electric Cooperative, Inc. for Continued Utility Services Across the Commission's Topock Marsh Wildlife Area, Mohave County, Arizona.** The Commission will be asked to vote to approve an agreement for permit for continued utility services across the Commission's Topock Marsh Wildlife Area, Mohave County, Arizona.

- c. **Presenter: Bob Broscheid, Habitat Branch Chief. Request for Commission Approval for Renewal of the Ten-Year Right-of-Way (No. 018-54114) for Continued Access into Stanford-Pridham Canyon in Cochise County and to Pursue Acquisition of a Right-of-Way in Perpetuity from the Arizona State Land Department.** The Commission will be asked to vote to approve renewal of the ten-year right-of-way (No. 018-54114) for continued access into Stanford-Pridham Canyon in the Coronado National Forest, Cochise County and to pursue acquisition of a right-of-way in perpetuity from the Arizona State Land Department.
 - d. **Presenter: Bob Broscheid, Habitat Branch Chief. Request for the Commission to Approve the Agreement for Permit with Valley TeleCom Group for the Purpose of Constructing, Operating, and Maintaining Underground Utility Lines Through the Commission's Whitewater Draw Wildlife Area, Cochise County, Arizona.** The Commission will be asked to vote to approve the Agreement for Permit with Valley TeleCom Group for the purpose of constructing, operating, and maintaining underground utility lines through the Commission's Whitewater Draw Wildlife Area.
 - e. **Presenter: Bob Broscheid, Habitat Branch Chief. Request for the Commission to Approve a Cooperative Agreement with Salt River Project Agriculture Improvement and Power District for the purpose of conducting mitigation activities on the Commission's Arlington Wildlife Area, Maricopa County, Arizona.** The Commission will be asked to vote to approve a Cooperative Agreement with Salt River Project Agriculture Improvement and Power District for constructing, operating, and maintaining a wildlife habitat feature on the Commission's Arlington Wildlife Area, Maricopa County, Arizona.
- 5. **Presenter: Anthony Guiles, Legislative Liaison. State and Federal Legislation.** The Commission will be briefed on the status of State and Federal legislation. The Commission may vote to take a position or provide direction to the Department for coordination, action, or proposed changes to legislation or other elective issues related to Department responsibilities.
 - 6. **Presenter: Marty Macurak, Assistant Director. Statewide Shooting Range Briefing.** The Commission will be given an update of department activities related to shooting range support and development statewide. The update covers activities that have occurred since the August 2005 commission meeting. The Commission may vote to take action on, or provide the department direction on, items covered in the update.
 - 7. **Presenter: Richard Rico, Assistant Director, Special Services. Proposed Construction of a New Department Headquarters Complex at the Ben Avery Shooting Facility.** The Department will be providing the Commission with a presentation regarding the recently completed Request for Proposal (RFP) process to determine the feasibility of constructing a new headquarters complex at the Ben Avery Shooting Facility. The Department recommends that the Commission vote to approve entering into a lease purchase agreement for the construction of a new headquarters complex.
 - 8. **Presenter: Dustin McKissen, Rules and Risk Manager. Notice of Docket Opening to Amend R12-4-102 to Increase Fees as Authorized by Statutory Changes Made by the 47th Legislature.** The Commission may vote to approve a Notice of Docket Opening to amend R12-4-102, dealing with licenses, tags, stamps, and permits, to increase fees as

authorized by statutory changes made by the 47th legislature to raise fee ceilings. This Notice will be submitted to the Secretary of State for publication in the *Arizona Administrative Register*.

9. Presenter: Dustin McKissen, Rules and Risk Manager. Request to Approve a Notice of Termination of Rulemaking, a Second Notice of Docket Opening, and a Second Notice of Proposed Rulemaking to Restart the Rulemaking Process to Amend Article 3 rules to Authorize the Use of a Two-Part Tag, Prescribe Additional Check-Out Requirements for Mountain Lion Hunts, and to Authorize Possession of a Bear or Mountain Lion Taken Under A.R.S. § 17-302 During a Closed Season. The Commission will be asked to vote to approve a Notice of Termination of Rulemaking, a second Notice of Docket Opening, and a second Notice of Proposed Rulemaking to restart the rulemaking process to amend Article 3 rules dealing with the taking and handling of wildlife to (1) authorize the use of a two-part tag; (2) prescribe additional check-out requirements for mountain lion hunts; and (3) to authorize possession of a bear or mountain lion taken under A.R.S. § 17-302 during a closed season. The Notice will be submitted to the Secretary of State's Office for publication in the *Arizona Administrative Register*.

10. Presenter: Ron Sieg, Region II Supervisor. Request for Direction on Disposal of Captured Bison from Grand Canyon National Park. The Department will update the Commission on House Rock Bison Herd and Request for Direction on disposal of any bison captured during Grand Canyon National Park operations. The Commission may vote to take action on, or provide the Department with direction on, this item.

11. Call to the Public. Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.

Lunch Break (at Time Certain 12:00 p.m.)

12. Executive Session (Immediately Following the Lunch Break, But No Later Than 1:00 p.m.)

a. Legal Counsel. The Commission may vote to meet in Executive Session in accordance with A.R.S. §§ 38-431.03 (A)(3) and (4) for the purpose of discussing and consulting with legal counsel in order to consider its position and to instruct legal counsel regarding the Commission's position on *Montoya v. Manning*, CIV98-0239 PHX RCB; *Re General Stream Adjudication for the Little Colorado River and Gila River*; *Bar D Cattle Co. v. Shroufe*, CIV2002-0872; *Phelps Dodge Corp. v. Arizona Dept. of Water Resources*, LC2003-000243-001DT; *Arizona Zoological Society, et. al. v. BLM, IBLA appeal no. 2002-412*; *Audubon Society of Portland v. USFWS*, CV04-670-KI; and *State of Arizona v. George H. Johnson*, CV2005-002692.

b. Legal Counsel Regarding Open Meeting Law. The Commission may vote to meet in Executive Session in accordance with A.R.S. §§ 38-431.03(A)(3) and (4) for the purpose of discussing and consulting with legal counsel regarding the Commission's use of email for internal and external communications.

- c. **Legal Counsel Regarding Competition with Private Enterprise.** The Commission may vote to meet in Executive Session in accordance with A.R.S. §§ 38-431.03(A)(3) and (4) for the purpose of discussing and consulting with legal counsel regarding whether the operation of the Ben Avery Shooting Facility is considered competition with private enterprise.
- d. **Review of RFP Responses for Construction of a New Department Headquarters Complex at the Ben Avery Shooting Facility.** The Commission may vote to meet in executive session as provided under A.R.S. § 38-431.03(A)(2) to discuss or consider RFP responses for construction of a new Department headquarters complex at the Ben Avery Shooting facility. These documents are made confidential by A.R.S. § 41-2534 and are exempt from public inspection.
- e. **Personnel Matters.** The Commission may vote to go into Executive Session to discuss personnel matters, including the Director's goals and objectives pursuant to A.R.S. § 38-431.01 (A) (1). The Commission may decide this matter in the public meeting or defer a decision to a later date.

The Afternoon Public Session begins immediately following the Executive Session, but no later than 2:00 p.m.

13. Presenter: Ronald L. Day, Law Enforcement Branch Chief. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife at Time Certain 2:00 p.m. The Commission will consider and take action on the license revocations and/or civil assessments for the individuals listed below.

<u>Name</u>	<u>Conviction</u>
Miller, Jeffrey A.	Count B: Use the tag of another (elk).
Hernandez, Mario M.	Count A: Possession of unlawfully taken wildlife (White-tailed doe deer). Count B: Take wrong gender (White-tailed doe deer). Count C: Take wildlife by unlawful method (rifle during archery only). Count D: Take without a valid tag.
Avila, Sergio L.	Count A: Possession of unlawfully taken wildlife (White-tailed doe deer). Count B: Take wrong gender (White-tailed doe deer). Count C: Take wildlife by unlawful method (rifle during archery only). Count D: Take without a valid tag.

Mendoza, Elias	Count A: Possession of unlawfully taken wildlife (White-tailed doe deer). Count B: Take wrong gender (White-tailed doe deer). Count C: Take wildlife by unlawful method (rifle during archery only). Count D: Take without a valid tag.
Sanchez, Pablo L.	Count A: Possession of unlawfully taken wildlife (White-tailed doe deer). Count B: Take wrong gender (White-tailed doe deer). Count C: Take wildlife by unlawful method (rifle during archery only). Count D: Take without a valid tag.
Porras, Gabriel V.	Count A: Possession of unlawfully taken wildlife (White-tailed doe deer).
Roybal, Tony	Count A: Knowingly take wildlife during closed season (deer). Count B: Take wildlife without valid license (deer). Count C: Allow wildlife to go to waste (deer).
McDaniel, Jesse A.	Count A: Possess unlawfully taken wildlife (bull elk). Count B: Use firearm during archery-only season. Count C: Fail to immediately tag.
Sandoval, Mike A.	Count A: Shoot from motor vehicle. Count C: Take wildlife by unlawful method (elk). Count E: Take without valid tag (elk).
Gardiner, Theodore E.	Count B: Allow another to use permit/tag.

- 14. Presenter: Josh Avey, Executive Staff Assistant. 2005 Annual Commission Awards Selection.** The Department will provide an overview of the 2005 Commission award nominees and will ask the Commission to vote to select the 2005 Commission award recipients. The Commission will be asked for direction on the change from “Youth Environmentalist of the Year” to the “Youth Conservationist of the Year,” and the creation of a new category for “Outdoor Woman of the Year.” The Commission may vote to select award recipients and to provide the Department with direction on this item.

15. **Presenter: Carlos Ramírez, Rule Writer. Request to Approve a Notice of Proposed Rulemaking to Amend Article 4, Dealing with Live Wildlife, Subsequent to the 2004 Five-Year Rule Review Approved by GRRC.** The Commission will be asked to vote to approve a Notice of Proposed Rulemaking to amend Article 4, dealing with live wildlife, principally as stated in the 2004 Five-Year Rules Review report approved by GRRC. The notice will be submitted to the Secretary of State's Office for publication in the *Arizona Administrative Register*.
16. **Litigation Report.** The Department's legal counsel may report on the status of the following litigation matters: *Montoya v. Manning*, CIV98-0239 PHX RCB; *Re General Stream Adjudication for the Little Colorado River and Gila River*; *Bar D Cattle Co. v. Shroufe*, CIV2002-0872; *Phelps Dodge Corp. v. Arizona Dept. of Water Resources*, LC2003-000243-001DT; *Arizona Zoological Society, et. al. v. BLM*, IBLA appeal no. 2002-412; *Audubon Society of Portland v. USFWS*, CV04-670-KI; *State of Arizona v. George H. Johnson*, CV2005-002692. A written report will also be available. The Commission may vote to take action on any case.
17. **Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.
18. **Director's and Chairman's Reports.** The Director and the Chairman will report on recent Department and Commission activities. An update on the Director's current goals and objectives may be provided during the briefing. This item will be informational only and no action will be taken at this meeting. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.
19. **Commissioners' Reports.** The Commissioners will report on their recent activities related to Game and Fish Commission duties and responsibilities. This item will be informational only and no action will be taken at this meeting. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.
20. **Approval of Minutes** for August 13 and 14, 2004; September 17, 2004; and June 24 and 25, 2005; August 12 and 13, 2005 and **Signing of Minutes** for January 21, 2005; February 11, 2005; March 11 and 12, 2005; April 15 and 16, 2005; May 20, 2005; May 24, 2005.
21. **Future Agenda Items.**

Saturday, September 24, 2005, Arizona Game and Fish Commission at the Arizona Game and Fish Pinetop Office, 2878 E. White Mountain Blvd., Pinetop, AZ 85935.

1. **Field Trip will depart at 8:00 AM.** The Commission may participate in a field trip to the sites of ongoing studies being conducted by the Department in proximity to Pinetop, Arizona. No official action will be taken by the Commission during the field trip.

The agenda may be revised and additional items may be added prior to the meeting as authorized by A.R.S. § 38-431.02. In that event, an addendum to the agenda will be noticed and posted prior to the meeting at Department offices. Commission agenda items not noticed for a specific time may be taken out of order.

Background materials provided to Commission members concerning public agenda items are available for public inspection at the main office of the Arizona Game and Fish Department at 2222 West Greenway Road, Phoenix, at Department regional offices in Pinetop, Flagstaff, Kingman, Yuma, Tucson, Mesa and at the meetings.

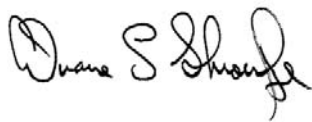
During the public meeting, the Commission may afford any person, his duly authorized representative, or both, the opportunity to present statements relating to agenda items, with or without the opportunity to present them orally.

The Commission may go into Executive Session for the purpose of obtaining legal advice from the Commission Attorneys on any of the above agenda items pursuant to A.R.S. §§ 38-431.03 (A) (3) and (4).

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, or this document in an alternative format, by contacting the AGFD Deputy Director, 2221 W. Greenway Road, Phoenix, Arizona 85023, 602-942-3000. Requests should be made as early as possible to allow time to arrange the accommodation.

The Arizona Game and Fish Department is responsible for managing Arizona's fish and wildlife resource as an enduring public trust. In addition, the Department is charged with promoting safe and responsible use of watercraft and off-highway vehicles. Funding is provided from the sale of licenses and permits; watercraft registration fees; federal excise taxes on firearms, fishing equipment, boats, and other sporting goods; State lottery revenues; donations on State income tax forms; and various contracts and grants. Department policy is set by the Arizona Game and Fish Commission, whose five members are appointed by the Governor.

“Managing Today for Wildlife Tomorrow”

A handwritten signature in black ink, appearing to read "Duane L. Shroufe". The signature is stylized with a large, looped "D" and a trailing flourish.

Duane L. Shroufe
Director

DLS:km